REMARKS

Specification

The disclosure stands objected to for using different names to indicate the same element. In particular, the Examiner points out that reference numeral 40 is used to identify "steering guide rods 40", "steering tubes 40", and "tubes 40" and reference numeral 72 is used to identify "bolster guide rods 72", "bolster tubes 72", and "tubes 72". Applicant has amended the specification to clearly indicate that the "steering guide rods 40" may also be referred to as "steering tubes 40" and the "bolster guide rods 72" may also be referred to as "bolster tubes 40". Finally, the specification has been amended to remove all references to "tubes 40" and "tubes 72". However, when the phrase "the tubes 40 or 72" is used alone without the predicate "steering" or "bolster", it is understood that the specification is referring to the steering tubes 40 or the bolster tubes 72, as this is a common naming convention.

Claims

Upon entry of this Amendment, claims 1-4, 6, 8-38, and 40 will be pending in the application with claims 1 and 40 being independent. Claims 1-4, 6, and 8-38 have been amended. Claims 5, 7, and 39 have been canceled. Independent claim 40 has been added. Reconsideration is respectfully requested.

Claims Objections

Claim 16 stands objected to because of a spaced "t o" in the claim. The spaced "t o" has been removed from the claim to overcome this objection. Claim 22 stands objected to because of the confusing phrase "in fixed relationship". The phrase has been changed to "in a fixed relationship" in accordance with the Examiner's suggestion to overcome this objection. Claim 32 stands objected to for the confusing phrase "disposed in at least one pair on either side". This phrase has been deleted from claim 32 to overcome this objection.

Claim Rejections – 35 U.S.C. §112

Claims 6-38 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, claims 6-8 recite the limitation "said pedals" without proper antecedent basis for the term. Claims 6 and 8 have been amended to overcome this rejection by removing "said pedals" from claims 6 and 8 and claim 7 has been canceled. Additionally, the Examiner points out that claim 31 recites "said upper block" without proper antecedent basis. Claim 30 has been amended to change its dependency, such that claim 31 now includes claim 28 in its dependency, and claim 28 positively recites "an upper block". Thus, Applicant respectfully submits that these rejections have been overcome.

Double Patenting

Claims 1-39 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, 6-22, and 24-25 of Copending Application Serial No. 10/767,988. A timely filed terminal disclaimer accompanies this Amendment to overcome this provisional obviousness-type double patenting rejection.

Claim Rejections – 35 U.S.C. §103(a)

Claims 1-4 and 6-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Guiard et al. (U.S. Patent No. 6,149,196) in view of Miyoshi et al. (U.S. Patent No. 6,615,685). Applicant respectfully traverses the rejection to independent claim 1.

Independent claim 1, as amended, defines over each of the cited prior art references, alone or in combination. Claim 1 recites a collapsible steering assembly 20 comprising a steering mechanism 22 and a pedal assembly 248. The pedal assembly 248 includes a mounting assembly 250 and at least one foot pedal 24 pivotally supported by the mounting assembly 250. The foot pedal 24 moves in operation between a fully retracted position and a fully depressed position to actuate an operating system in a vehicle. A support structure 28 connects the pedal assembly 248 to the steering mechanism 22 to

define a unitized module. The support structure 28 includes at least one mounting bracket 66 to mount the unitized module to the vehicle. The support structure 28 movably supports the steering mechanism 22 for collapsing along a first collapse path 42 relative to the at least one mounting bracket 66 in response to application of a first predetermined collapse force to the steering mechanism 22. The support structure 28 also movably supports the pedal assembly 248 for collapsing along a second collapse path 30 relative to the at least one mounting bracket 66 in response to application of a second predetermined collapse force to the at least one pedal 24.

Guiard et al. discloses a protection device for moving an instrument-carrying portion of a dashboard upwardly during a crash such that a steering wheel of a steering mechanism is able to slide beneath the dashboard, as opposed to impacting the dashboard during the crash. This allows the steering wheel to slide further forward during the crash to reduce injury to a driver. Guiard et al. also discloses a support structure mounted to both the steering mechanism and the instrument-carrying portion of the dashboard to facilitate this movement during the crash. Guiard et al., however, does not disclose a pedal assembly that is connected to the same support structure as the steering mechanism. Instead, Guiard et al. suggests that the pedal assembly could operate in the same way as the steering mechanism to move the instrument-carrying portion of the dashboard upwardly. Guiard et al. in no way suggests that both the steering mechanism and the pedal assembly could be connected to a support structure to form a unitized module, as required by claim 1.

Furthermore, Guiard et al. is not at all concerned whatsoever with the collapse of the steering mechanism or the pedal assembly during the crash. In fact, referring to column 4, lines 6-10, Guiard et al. clearly states that "[t]he means used to render this column 40 retractable on impact are not described here as they do not form part of the patent application." Instead, Guiard et al. is concerned with utilizing the energy of the steering mechanism (or the pedal assembly) as it slides forwardly along a crash path to pull the instrument-carrying portion of the dashboard upwardly out of the way of the steering wheel.

The Examiner has added the teachings of Miyoshi et al. to Guiard et al. to yield

the invention set forth in claim 1. Miyoshi discloses a steering mechanism with a collapsing steering shaft and a pedal assembly that is also outfitted with a collapsible feature. However, Miyoshi, like Guiard et al. fails to disclose any support structure that connects to both the steering mechanism and the pedal assembly to form a unitized module for fitting in a vehicle, as required in claim 1. Instead, Miyoshi clearly teaches the steering mechanism and the pedal assembly as separate units that only come into contact with one another during a crash. In fact, the invention in Miyoshi is concerned with shifting the steering shaft to one side of the pedal assembly during the crash such that the pedal assembly does not inhibit forward movement of the steering shaft during the crash. In a typical automotive assembling process, the pedal assembly and the steering mechanism are separate units or modules that are installed separately in the vehicle. Here, Miyoshi has configured a system for reducing injuries to drivers of vehicles that have a separate pedal assembly and steering mechanism. Miyoshi does not teach or suggest any configuration for use in a system in which the pedal assembly and the steering mechanism form a unitized module via a support structure. Therefore, even if Miyoshi could be combined with Guiard et al., neither Guiard et al., nor Miyoshi, teach or suggest a support structure connected to both the steering mechanism and the pedal assembly to form a unitized module. Hence, one skilled in the art would not only be required to essentially reconstruct Guiard et al. to accommodate the pedal assembly of Miyoshi, but also design a support structure to connect to both the steering mechanism of Guiard et al. and the pedal assembly of Miyoshi, which is completely contrary to the teachings of Miyoshi.

The support structure 28 of claim 1 connects the pedal assembly 248 to the steering mechanism 22 to define a unitized module. The support structure 28 also movably supports the steering mechanism 22 for collapsing along a first collapse path 42 and movably supports the pedal assembly 248 for collapsing along a second collapse path 30. Neither Guiard et al., nor Miyoshi, teaches these limitations. Therefore, the Examiner has failed to establish a prima facie case for obviousness since the references, even when combined, still do not teach all of the limitations recited in claim 1. For this reason, Applicant respectfully submits that independent claim 1 is in condition for

allowance. Applicant also respectfully submits that dependent claims 2-4, 6, and 8-38 are in condition for allowance based on their own merits, and based on their dependency to independent claim 1 and the failure of the references to suggest claim 1.

Applicant submits that new independent claim 40 is in condition for allowance for the reasons set forth above with respect to claim 1. Independent claim 40 recites all the limitations of independent claim 1 and further recites that the support structure *slidably supports* the steering mechanism for collapsing along *a linear collapse path* and *pivotally supports* the pedal assembly for collapsing along *an arcuate collapse path.*

Applicant believes the application is now in condition for allowance, which allowance is respectfully solicited. Applicant authorizes the Commissioner to charge the fee of $130.00 for the Terminal Disclaimer to Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys, P.C. The Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayment for this matter.

Respectfully submitted,

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Date

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